



Joshua R. More  
312-258-5769  
jmore@schiffhardin.com

US EPA RECORDS CENTER REGION 5



431076

233 SOUTH WACKER DRIVE  
SUITE 6600  
CHICAGO, ILLINOIS 60606  
t 312.258.5500  
f 312.258.5600  
www.schiffhardin.com

RECEIVED FEB 28 2012

February 24, 2012

**VIA FEDEX**

Deena Sheppard, Enforcement Specialist  
U.S. Environmental Protection Agency - Region 5  
Superfund Division SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: BorgWarner Inc.'s Response to USEPA's December 6, 2011, Information Request  
Pursuant to Section 104(e) of CERCLA regarding the Gary Development Landfill Site  
located at 479 Cline Avenue, in the City of Gary, Lake County, Indiana (CERCLIS ID  
No: IND0770005916)

Dear Ms. Sheppard:

By letter dated December 6, 2011, the United States Environmental Protection Agency sent BorgWarner Inc. a Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("Information Request"). Enclosed please find BorgWarner Inc.'s response to that Information Request, including (1) a hard copy of BorgWarner Inc.'s narrative response and (2) a disk containing responsive documents.

BorgWarner Inc. is providing this response after making diligent efforts to identify responsive information. BorgWarner Inc. has reviewed thousands of pages of documents and has interviewed personnel who may have responsive information in order to prepare this response.

In making this response, BorgWarner Inc. waives no rights, defenses, claims or remedies and makes no admission of fact, law or liability. BorgWarner Inc. reserves the right to correct and supplement its response if additional or different information or documents are identified or discovered.

If you have any questions, please do not hesitate to contact me.



Deena Sheppard, Enforcement Specialist  
February 24, 2012  
Page 2

Sincerely,

A handwritten signature in black ink that reads 'Josh R. More'.

Joshua R. More

Enclosures

cc: Nicole Wood-Chi, via email w/o attachments ([Wood.Nicole@epa.gov](mailto:Wood.Nicole@epa.gov))

CH2\11017505.1\02.23.12 11:17

**BorgWarner Inc.'s Response to USEPA's December 6, 2011, Information Request**  
**Pursuant to Section 104(e) of CERCLA**

BorgWarner Inc. ("BorgWarner" or the "Company") responds to the United States Environmental Protection Agency's ("USEPA's") Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") dated December 6, 2011 (the "Information Request"). The Information Request seeks information and documents related to BorgWarner and the Gary Development Landfill located at 479 Cline Avenue, in the City of Gary, Lake County, Indiana ("Gary Development Landfill" or the "Site"). USEPA has said it believes that BorgWarner may have information relevant to USEPA's investigation of "the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site." This document serves as BorgWarner's response to USEPA's Information Request ("Response"). Subject to the objections set forth below, BorgWarner is providing information in its possession or control that is responsive to the Information Request.

BorgWarner considers all documents contained in this response and stamped "Confidential" to be trade secrets or other confidential business information and, therefore, protected from release to third parties pursuant to 5 U.S.C. § 552(b)(4). BorgWarner requests that USEPA provide BorgWarner with sufficient notice prior to releasing any of this information to any third party so that BorgWarner can timely avail itself of all federal and state laws that protect BorgWarner's trade secrets and confidential business information.

**General Objections and Limitations**

Although the Company made diligent efforts to comply with the Information Request, in order to preserve the Company's rights, the Company hereby objects to all of the Requests in the Information Request for the reasons set forth below (the "General Objections").

1. BorgWarner objects to each Request to the extent it seeks information outside the scope of USEPA's authority under 42 U.S.C. § 9604(e).
2. BorgWarner objects to each Request to the extent it seeks information outside of the stated purpose of the Information Request.
3. BorgWarner objects to each Request as overbroad, vague, irrelevant and unduly burdensome to the extent it does not specify a timeframe for which it seeks information or seeks information outside the timeframe the Gary Development Landfill was in operation. Accordingly, unless otherwise stated, the Company limits the scope of its Response to the timeframe of September 1, 1974, (the date Gary Development Landfill began accepting solid waste for disposal) through December 31, 1989 (the date Gary Development Landfill ceased operations).
4. BorgWarner objects to the definition of the terms "you," "your company," and "Your company" as overbroad, vague, irrelevant and unduly burdensome to the extent they include BorgWarner facilities that did not generate wastes that were disposed of at the Gary Development Landfill. BorgWarner is an international company that currently operates approximately sixty facilities across eighteen countries, including approximately sixteen

facilities in the United States. Information regarding the majority of these facilities would fall outside the stated purpose of the Information Request and would be unduly burdensome to collect. Accordingly, the Company has reviewed records from facilities that operated in Illinois or Indiana during the time period of September 1, 1974, through December 31, 1989, and interviewed personnel to determine whether hazardous substances from those facilities may have been disposed of at the Site. BorgWarner's investigation has determined that the only facility that may have arranged for the disposal of hazardous substances at the Site is the Bellwood facility located at 700 South 25th Avenue, Bellwood, IL 60104 ("Bellwood facility"). Accordingly, BorgWarner limits its Response to the Bellwood facility.

5. BorgWarner objects to the definition of the term "documents" as overbroad, vague and unduly burdensome to the extent it includes information not within the Company's possession or control. Accordingly, BorgWarner will limit its Response to those documents within its possession or control.

6. BorgWarner objects to each Request to the extent it seeks detailed insurance information that is not relevant to the stated purpose of the Information Request. The Company has not been asked to pay for or perform a cleanup pursuant to CERCLA, nor has it asserted that it is unable to pay for or perform such a cleanup. Thus, the request for detailed insurance information is premature, at best, and will not yield information relevant to the matter at hand.

7. BorgWarner objects to each Request to the extent that USEPA seeks information that is not created by the Company, that is not based on the Company's personal knowledge or that is regarding third parties. BorgWarner will provide such information to the extent it is in the Company's possession or control. However, BorgWarner cannot verify the authenticity or accuracy of any information that was not created by the Company or that is not based on the Company's personal knowledge.

8. BorgWarner objects to each Request to the extent that, through that Request, USEPA imposes an undue burden on the Company.

9. BorgWarner objects to each Request to the extent that USEPA requests that the Company divulge information protected by the attorney-client privilege, the work-product doctrine, or other available privilege or protection.

10. BorgWarner objects to each Request to the extent it is vague or overbroad or too indefinite to be capable of reasonable interpretation.

11. BorgWarner objects to each Request to the extent it calls for the Company to make legal conclusions, including regarding whether hazardous substances have been released at the Site and whether the Company has any responsibility for such releases.

12. BorgWarner objects to providing information that it has previously provided to USEPA or that USEPA has received or could receive from other sources, including, by way of example and not by way of limitation, information provided related to permits, documents authored by USEPA, data transmitted in reports routinely prepared for government use, and information provided by other companies to USEPA pursuant to previous USEPA information requests. Such requests are duplicative and, therefore, unduly burdensome.

Notwithstanding and without waiving these objections, and subject to them, the Company has prepared this Response based upon the information available to it. Where Requests are vague, ambiguous, overbroad, unduly burdensome, irrelevant, or beyond the scope of USEPA's authority pursuant to Section 104(e) of CERCLA, the Company is making appropriate and reasonable efforts to provide responsive information based on the Company's interpretation of the Requests. To the extent that information submitted herein is not required by law or is outside of the scope that USEPA has the authority to request, that information is voluntarily submitted. The Company waives no right to protection of information that it voluntarily submits.

### **BorgWarner's Specific Responses and Objections**

**1. Provide copies of all documents, records, and correspondence in your possession relating to Gary Development Landfill.**

**Response No. 1:** BorgWarner reasserts the General Objections, above. In addition, in response to Request 1, BorgWarner specifically objects to the use of the terms "records" and "correspondence" as vague, indefinite and capable of multiple interpretations. These terms are not defined in the Information Request. In addition, BorgWarner objects to Request 1 as overbroad and unduly burdensome to the extent that it asks for information beyond the scope of CERCLA § 104(e) and the stated purpose of the Information Request. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing documents, records and correspondence in its possession that are related to the disposal of hazardous substances generated from any BorgWarner facility that operated in Illinois or Indiana during the time period of September 1, 1974, through December 31, 1989, at the Site. These documents are located at BORG-000001.

**2. Identify and describe, and provide all documents that refer or relate to:**

**Response No. 2:** BorgWarner reasserts the General Objections, above. In addition, BorgWarner specifically objects to Request 2 as irrelevant, beyond the scope of CERCLA § 104(e) and beyond the stated purpose of the Information Request to the extent it asks for information regarding substances disposed at places other than the Site. BorgWarner objects to the term "typically" as vague, ambiguous and subject to multiple meanings. BorgWarner also objects to the term "arrangement" to the extent it calls for a legal conclusion. Accordingly, BorgWarner's use of the word "arrangement" for purposes of this Information Request does not refer to the process of having "arranged" under 42 U.S.C. § 9607. BorgWarner further objects to 2(n), (o), (p) and (q) to the extent they ask the Company to speculate about the practices and intentions of a third party. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 2 to the extent that it relates to the disposal of hazardous substances from the Bellwood facility during the time period of September 1, 1974, through December 31, 1989, at the Site. The remainder of BorgWarner's response to Request 2 is located under the individual subsections of Request 2, below. In addition, BorgWarner is producing the document located at Bates number BORG-000001 in response to Request 2.

**a. The precise location, address, and name of the facility where disposal, treatment, unloading, management, and handling of the hazardous substances occurred. Provide the official name of the facility and a description of the facility where each hazardous substance involved in such transactions was actually disposed or treated.**

*Response No. 2(a):* BorgWarner objects to the use of the undefined term “the hazardous substances” in Request 2(a) as vague and ambiguous. Subject to the specific objection in this response and the objections and limitations above, BorgWarner responds as follows. BorgWarner is providing information related to the disposal of hazardous substances from the Bellwood facility at the Site. Based upon information and belief, asbestos-containing waste from the Bellwood facility may have been taken to Gary Development Corporation Landfill.

**b. If the location or facility of such disposal, treatment, unloading, management and handling is a different location or facility than what was originally intended, please provide all documents that relate and/or refer to why the substances came to be located at the different location or facility.**

*Response No. 2(b):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(b).

**c. All intermediate sites where the hazardous substances involved in each arrangement were transshipped, or where they were stored or held, any time prior to final treatment or disposal.**

*Response No. 2(c):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(c).

**d. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each arrangement.**

*Response No. 2(d):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of its personnel BorgWarner has no information responsive to 2(d) other than the document located at BORG-000001.

**e. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement.**

*Response No. 2(e):* BorgWarner objects to Request 2(e) as overbroad and irrelevant to the extent it asks for information outside the stated purpose of the Information Request and will not aid in USEPA's investigation of “the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site.” Subject to the specific objection in this response and the objections and limitations above, BorgWarner responds

as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(e).

**f. The condition of the transferred material containing hazardous substances when it was stored, disposed, treated or transported for disposal or treatment.**

*Response No. 2(f):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(f) other than the document located at BORG-000001.

**g. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.**

*Response No. 2(g):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(g).

**h. All tests, analyses, analytical results and manifests concerning each hazardous substance involved in each transaction. Please include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.)**

*Response No. 2(h):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(h).

**i. The final disposition of each of the hazardous substances involved in each arrangement.**

*Response No. 2(i):* Subject to the objections and limitations above, BorgWarner responds as follows. On information and belief, the final disposition of hazardous substances from the Bellwood facility that were disposed of at the Gary Development Landfill would be at Gary Development Landfill.

**j. All persons, including you, who may have entered into an agreement or contract for the disposal, treatment or transportation of a hazardous substance at or to the Site. Please provide the persons' titles and departments/offices.**

*Response No. 2(j):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on the document located at Bates number BORG-000001, Industrial Rubbish Removal, 25W175 West Lake Street, Roselle, IL 60172, may have entered into an agreement for the disposal, treatment or transportation of hazardous substances at or to the Site.

- (i) The names, addresses, and telephone numbers of persons or entities who received the hazardous substances from the persons described in 2(j) above.**

*Response No. 2(j)(i):* See response to Request 2(j), above.

- (ii) **Any person with whom the persons described in 2(j) made such arrangements.**

*Response No. 2(j)(ii):* See response to Request 2(j), above.

- (iii) **The dates when each person described in 2(j) made such arrangements and provide any documentation.**

*Response No. 2(j)(iii):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel the Company has no information responsive to Request 2(j)(iii).

- (iv) **The steps you or other persons, including persons identified in 2(j) above took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a facility's spill control policy) which address the management of spills and leaks and provide any documentation.**

*Response No. 2(j)(iv):* Subject to the objections and limitations above, BorgWarner responds as follows. The Bellwood facility had waste-specific spill prevention plans in place during the time period of September 1, 1974, through December 31, 1989. Based on diligent review of records and inquiry of personnel the Company has no further information responsive to Request 2(j)(iv).

- (v) **The amount paid by you, or other persons referred to in 2(j) above in connection with each transaction for such arrangement, the method of payment, and the identity of the persons involved. Please provide any contacts, written agreements, or documentation reflecting the terms of the agreements.**

*Response No. 2(j)(v):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(j)(v).

- (vi) **The amount of money received by you or other persons referred to in 2(j) above for the sale, transfer, or delivery of any material containing hazardous substances and provide any documentation. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?**

*Response No. 2(j)(vi):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(j)(vi).

**k. Who controlled and/or transported the hazardous substances prior to delivery to the Site? Provide agreements and/or documents showing the times when**



**each party possessed the hazardous substances.**

*Response No. 2(k):* Subject to the objections and limitations above, BorgWarner responds as follows. To the extent waste was transported from the Bellwood facility to the Site, a third party would have controlled the waste prior to delivery.

**l. The owner(s) or possessor(s) (persons in possession) of the hazardous substances involved in each arrangement for disposal or treatment of the substances. If the ownership(s) changed, when did this change(s) occur? Please provide documents describing this transfer of ownership, including the date of transfer, persons involved in the transfer, reason for the transfer of ownership, and details of the arrangement(s) such as contracts, agreements, etc. If you did not own the hazardous substances when shipped, who did own it and how did you come to own the hazardous substances?**

*Response No. 2(l):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(l).

**m. Who selected the location where the hazardous substances were to be disposed or treated?**

*Response No. 2(m):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(m).

**n. How were the hazardous substances or materials containing hazardous substances planned to be used at the Site?**

*Response No. 2(n):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(n).

**o. What was done to the hazardous substances once they were brought to the Site, including any service, repair, recycling, treatment, or disposal?**

*Response No. 2(o):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(o).

**p. What activities were typically conducted at the Site or the specific facility where the hazardous substances were sent? What were the common business practices at the Site? How and when did you obtain this information?**

*Response No. 2(p):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(p).

**q. How were the hazardous substances typically used, handled, or disposed of at the Site?**

*Response No. 2(q):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(q).

**r. How long did you have a relationship with the owner(s) and/or operator(s) of the Site?**

*Response No. 2(r):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(r).

**s. Did you have any influence over waste disposal activities at the Site? If so, how?**

*Response No. 2(s):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 2(s).

**t. What percentage of your total hazardous substances went to the Site?**

*Response No. 2(t):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(t).

**u. What steps did you take to dispose of or treat the hazardous substances? Please provide documents, agreements and/or contracts reflecting these steps.**

*Response No. 2(u):* Subject to the objections and limitations above, BorgWarner responds as follows. BorgWarner is providing the document located at Bates number BORG-000001.

**v. What involvement (if any) did you have in selecting the particular means and method of disposal of the hazardous substances?**

*Response No. 2(v):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(v).

**w. At the time you transferred the hazardous substances, what did you intend to happen to the hazardous substances? Please provide any contracts, written agreements, and/or other documentation reflecting the intention of the parties. If you do not have such documents and/or materials, please so state.**

*Response 2(w):* Subject to the objections and limitations above, BorgWarner responds as follows. BorgWarner never transferred waste to the Gary Development Landfill. If

waste from a BorgWarner facility was transferred to the Site, then that transfer was conducted by a third party.

**x. With respect to all transactions involving hazardous substances, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information you had about the treatment and disposal practices at the Site. What assurances, if any, were you given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials you sent there?**

*Response No. 2(x):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(x).

**y. What efforts, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.**

*Response No. 2(y):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(y).

**z. Was there a shrinkage/spillage provision or loss allowance in the contract, or an understanding outside of the contract? As a part of the transaction, was there any penalty for shrinkage, spillage, or loss? Did the arrangement acknowledge that spills would occur?**

*Response No. 2(z):* Subject to the objections and limitations above, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to 2(z).

**3. Provide names, addresses and telephone numbers of any individuals including former and current employees, who may be knowledgeable of BorgWarner's operations and hazardous substances handling, storage and disposal practices.**

**Response No. 3:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information regarding individuals who may be knowledgeable of BorgWarner's operations and hazardous substance handling, storage and disposal practices at the Bellwood facility during the period of September 1, 1974, through December 31, 1989. These individuals are:

Jim T. Stevenson; Keith A. Polkow; Larry A. White; John Porter; Bruce Mueller; Jerry Dornbusch; Henry Stawalsh; Jimmie Sykes; Shirley A. Erickson; Richard A. Stevenson; Bobby Keng; Marvin Bardine; Gilbert Musgrey; Robert Stawton; Paul M. Anoke; Philip E. Bohlander; Ralph Sykes; Jessie Free; Cecil Ramsey; Diana Krajnovich; Robert Randerson; Grover Stallings; Rodney White; Marvin Burdine; Caroline Bright; Charles

Snyder; Curly Steele. All of the individuals listed are current and former employees of BorgWarner. These individuals should be contacted only through BorgWarner's counsel, Schiff Hardin LLP.

4. **State the date(s) on which the drums and/or hazardous substances were sent, brought or moved to the Site and the names, addresses and telephone numbers of the person(s) making arrangements for the drums to be sent, brought or moved to the Site.**

**Response No. 4:** BorgWarner reasserts the General Objections, above. In response to Request 4, BorgWarner specifically objects to the terms "the drums and/or hazardous substances" and "the person(s)" as overbroad, vague and ambiguous. The Request does not specify a source for "the drums and/or hazardous substances" or an affiliation for "the person(s)." Notwithstanding and without waiving its objections, BorgWarner responds as follows. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 4.

5. **List all federal, state and local permits and/or registrations issued to BorgWarner for the transport and/or disposal of materials.**

**Response No. 5:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing a list of federal, state and local permits and/or registrations issued for the transport and/or disposal of hazardous substances from the Bellwood facility during the period of September 1, 1974, through December 31, 1989.

Illinois EPA Special Wastes Disposal Permits: (1) Permit for sludge disposed of at Grayslake A.R.F. (authorization no. 790063); (2) Permit for sludge disposed of at Ottawa/States (authorization no. 790063); (3) Permit for asbestos paper disposed of at Grayslake A.R.F. (authorization no. 791206); (4) Permit for asbestos paper disposed of at Ottawa/States (authorization no. 790206); (5) Permit for waste oil disposed of at Mark's Oil Co. (authorization NO. 993015); (6) Permit for waste oil disposed of at Chemical Waste Management (authorization no. 780141); (7) Permit for waste oil disposed of at S.E.P.O.A. (authorization no. 994461); (8) Permit for MEK disposed of at Hydrite Chemical Co. (authorization no. 998567); (9) Permit for MEK disposed of at Sheffield/Nuclear #2 (authorization no. 791200); (10) Permit for perchlorethylene disposed of at Inland Chemical (authorization no. 998558); (11) Permit for perchlorethylene disposed of at American Chemical Service (authorization no. 998816); (12) Permit for perchlorethylene disposed of at Hydrite Chemical Co. (authorization no. 991334); (13) Permit for Sulfuric Acid disposed of at Chicago CID (authorization no. 992653); and (14) Permit for sewer flushout sludge disposed of at Grayslake A.R.F. (authorization no. 811020); (15) Permit for Waste Oil disposed of at Chemical Waste Management (authorization no. 810658); (16) Permit for perchlorethylene disposed of at Safety Kleen (authorization no. 993705); (17) Permit for perchlorethylene disposed of at Mister Frank (authorization no. 920362).

6. **Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.**

**Response No. 6:** BorgWarner reasserts the General Objections, above. In response to Request 6, BorgWarner specifically objects to the term "arrangements" as vague, ambiguous, subject to multiple meanings, and calling for a legal conclusion. Accordingly, BorgWarner's use of the word "arrangements" for purposes of this Information Request does not refer to the process of having "arranged" under 42 U.S.C. § 9607. BorgWarner further objects to the first sentence of Request 6 as unduly burdensome, unrelated to the stated purpose of the Information Request, and unlikely to aid in USEPA's investigation of "the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site." Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner assumes that when Request 6 says "each permit" it is referring to the permits listed in response to Request 5 and limits its response accordingly. Upon information and belief, all waste was disposed of in accordance with the permits identified in response to Request 5.

7. **Were all hazardous substances transported by licensed carriers to hazardous waste TSDFs permitted by the U.S. EPA?**

**Response No. 7:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 7 to the extent it asks for information regarding third parties and/or information not in the Company's possession or control. BorgWarner further objects to Request 7 as overbroad and unduly burdensome to the extent it asks for information about hazardous substances not transported to the Site. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 7 to the extent that it relates to hazardous substances from the Bellwood facility that were transported to the Site. Upon information and belief, if hazardous substances were transferred from the Bellwood facility to the Site, they were transported by carriers approved by the State of Indiana, State Board of Health.

8. **List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.**

**Response No. 8:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 8 to the extent it is duplicative of Request 5. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing a list of federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of hazardous substances from the Bellwood facility during the time period of September 1, 1974, through December 31, 1989. See BorgWarner's response to Request 5.

9. **Does your company or business have a permit or permits issued under RCRA? Does it have, or has it ever had, a permit or permits under the hazardous substance laws of the State of Indiana? Does your company or business have an EPA**

**Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.**

**Response No. 9:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. The Company is providing information responsive to Request 9 to the extent it relates to the Bellwood facility during the time period of September 1, 1974, through December 31, 1989.

USEPA Identification Number for BorgWarner's Bellwood facility: ILD005457221

- 10. Identify whether a Notification of Hazardous Waste Activity was ever filed with the EPA or the corresponding agency or official of the State of Indiana, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.**

**Response No. 10:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 10 to the extent that it relates to the Bellwood facility during the time period of September 1, 1974, through December 31, 1989. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 10.

- 11. Provide the correct name and addresses of your plants and other buildings or structures where BorgWarner carried out operations in Indiana and Illinois (excluding locations where ONLY clerical/office work was performed).**

**Response No. 11:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 11 for Illinois and Indiana facilities where BorgWarner may have carried out operations during the time period of September 1, 1974, through December 31, 1989. Based upon information and belief, BorgWarner may have operated facilities located in or around the following areas during the September 1, 1974, through December 31, 1989, timeframe: Bellwood, IL; Dixon, IL; Frankfort, IL; Muncie, IN; Scottsburg, IN; Indianapolis, IN; Des Plaines, IL; Byron, IL; and Nearing, IL.

- 12. Provide a schematic diagram or flow chart that fully describes and/or illustrates your company's operations.**

**Response No. 12:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner does not have a schematic diagram or flow chart that fully describes or illustrates the Company's operations. BorgWarner is providing information describing operations at the Bellwood facility from September 1, 1974, through December 31, 1989. From September 1, 1974, through December 31, 1989, the Bellwood facility was an automotive transmission component manufacturing facility. It manufactured friction

plates used in automotive transmissions and other drivetrain components. A friction plate is comprised of a steel core and one or two paper facings. The steel cores are stamped from coiled steel, acid cleaned, and then coated with adhesive. Paper saturated with resin to enhance durability is then stamped to fit onto the steel core. In some cases, however, adhesive is applied to the paper before stamping rather than to the steel core. A friction plate is made after the paper facings and the steel cores are bonded together. The friction plates are sanded to desired thickness and grooved to enhance the plate's performance in a transmission. The Bellwood facility also manufactured one way clutch assemblies, which consisted of metal ribbons, metal sprags, and metal housings.

- 13. Provide a brief description of the nature of your company's operations at each location including: If the nature or size of your company's operations changed over time, describe those changes and the dates they occurred.**

**Response No. 13:** BorgWarner reasserts the General Objections, above. In response to Request 13, BorgWarner specifically objects to the terms "nature" and "location" as vague, ambiguous and open to multiple interpretations. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information regarding operations at the Bellwood facility during the timeframe of September 1, 1974, through December 31, 1989. See BorgWarner's response to Request 12, above.

- 14. List the types of raw materials used in your company's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.**

**Response No. 14:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 14 to the extent that it relates to the Bellwood facility during the time period of September 1, 1974, through December 31, 1989. Raw materials used included steel, natural gas, composition paper rings, adhesives and resins.

- 15. Provide copies of Material Safety Data Sheets (MSDS) for materials used in your company's operations.**

**Response No. 15:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing documents responsive to Request 15 to the extent that they relate to the Bellwood facility during the time period of September 1, 1974, through December 31, 1989. These documents can be found at BORG-000002 through BORG-003430.

- 16. Provide any release reports that were taken pursuant to Section 103(a) of CERCLA and Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA).**

**Response No. 16:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 16 as overbroad and irrelevant to the extent it asks for information outside the stated purpose of the Information Request and will not aid in USEPA's investigation of "the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site." Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 16 to the extent that it relates to the Bellwood facility during the time period of September 1, 1974, through December 1989. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 16.

- 17. Identify all federal offices to which BorgWarner has sent or filed hazardous substance or hazardous waste information.**

**Response No. 17:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 17 to the extent that it relates to the Bellwood facility during the time period of September 1, 1974, through December 31, 1989.

United States Environmental Protection Agency

- 18. State the years during which such information was sent/filed.**

**Response No. 18:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner assumes the term "such information" is referring to the "sent or filed hazardous substance or hazardous waste information" referenced in Request 17 and limits its response accordingly.

1986

- 19. Identify (see Definitions) all Illinois and Indiana state offices to which BorgWarner has sent or filed hazardous substance or hazardous waste information.**

**Response No. 19:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 18 to the extent that it relates to the Bellwood facility during the time period of September 1, 1974, through December 31, 1989.

Illinois Environmental Protection Agency

- 20. State the years during which such information was sent/filed.**

**Response No. 20:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner assumes the term "such information" is referring to the "sent or filed



hazardous substance or hazardous waste information" referenced in Request 19 and limits its response accordingly.

1981 through 1989

21. **List all federal and state environmental laws and regulations under which BorgWarner has reported to federal or state governments, including but not limited to: Toxic Substances Control Act (TSCA), 15 U.S.C. SECTIONS 2601 TO 2692; EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA), 42 U.S.C. SECTIONS 11001 TO 11050; AND THE CLEAN WATER ACT 33 U.S.C. SECTION 1251 TO 1387.**

**Response No. 21:** BorgWarner reasserts the General Objections, above. In response to Request 21, BorgWarner specifically objects to the request for "all federal and state environmental laws under which BorgWarner has reported to federal or state governments" as overbroad, unduly burdensome and irrelevant to the extent it asks for information outside the stated purpose of the Information Request and will not aid in USEPA's investigation of "the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site." Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information responsive to Request 21 to the extent it relates to the generation, transportation, disposal or release of hazardous substances at or from the Bellwood facility during the time period of September 1, 1974, through December 31, 1989. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 21.

22. **Identify the federal and state offices to which such information was sent.**

**Response No. 22:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner assumes the term "such information" refers to reports by the Company under the federal and state environmental laws and regulations referenced in Request 21 and limits its response accordingly. See BorgWarner's response to Request 21.

23. **For each type of waste (including by-products) from BorgWarner's operations in Indiana and Illinois during the time period of 1975 through 1999, including but not limited to all liquids, sludges, and solids, provide the following information:**
- a. **its physical state;**
  - b. **its nature and chemical composition;**
  - c. **its color;**
  - d. **its odor;**
  - e. **the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and**

**f. the dates (beginning & ending) during which each type of waste was produced by Your company's operations.**

**Response No. 23:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information in response to Request 23 to the extent it relates to the Bellwood facility during the time period of 1975 through December 31, 1989. Waste included waste water treatment sludge containing one or more of the following metals: zinc, copper, chrome, lead, iron, nickel; asbestos-containing paper; waste oil; spent methyl ethyl ketone; spent perchlorethylene; and aluminum oxide waste.

- 24. Provide a schematic diagram that indicates which part of BorgWarner's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.**

**Response No. 24:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 24 as overbroad, unduly burdensome and irrelevant to the extent it asks for information outside the stated purpose of the Information Request and is not relevant to USEPA's investigation of "the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site." Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner assumes the term "waste" in Request 24 refers to the "waste (including by-products)" referenced in Request 23 and limits its response accordingly. Based on diligent review of records and inquiry of personnel BorgWarner has no information responsive to Request 24.

- 25. Describe how each type of waste was collected and stored at BorgWarner's operation prior to disposal/recycling/sale/transport, including:**

- a. the type of container in which each type of waste was placed/stored; and**
- b. where each type of waste was collected/stored.**

**Response No. 25:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 25 as overbroad, unduly burdensome and irrelevant to the extent it asks for information outside the stated purpose of the Information Request and is not relevant to USEPA's investigation of "the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site." Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner assumes the term "waste" in Request 25 refers to the "waste (including by-products) from BorgWarner's operations in Indiana and Illinois" referenced in Request 23 and limits its response accordingly. Sludge waste from the Bellwood facility was collected in a settlement tank. From there, the sludge waste was pumped into a vacuum filter, dried, and then transported into a steel box via a conveyor. The sludge waste was stored in the steel boxes, each holding approximately twelve yards of sludge materials, until the boxes containing the sludge waste were transported from the Bellwood facility. Methyl ethyl ketone waste was stored

in clearly marked, clean drums. Based on diligent review of records and inquiry of personnel BorgWarner has no further information responsive to Request 25.

26. **Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts related to the Gary Development Landfill (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance) that provide BorgWarner with liability insurance for damage to third party property from 1975 through 1999.**

**Response No. 26:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 26 as irrelevant, premature and unduly burdensome to the extent it asks for insurance information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information Responsive to Request 26 to the extent it is related to potential primary insurance coverage for any liability that may arise in connection with the Site. This information can be found at BORG-003431 through BORG-005870.

27. **To the extent not provided in Question 26 above, provide copies of all insurance policies that may potentially provide BorgWarner with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or BorgWarner's business operations. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.**

**Response No. 27:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 27 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for insurance information unrelated to the Site and to the extent it asks for such information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. See BorgWarner's response to Request 26.

28. **To the extent not identified in Questions 26 or 27 above, provide all other evidence of casualty, liability and/or pollution insurance issued to your company for the period being investigated as identified in Question 26.**

**Response No. 28:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 28 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for insurance information unrelated to the Site and to the extent it asks for such information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. See BorgWarner's response to Request 26.

29. If there are any such policies from Questions 26, 27, or 28 above of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
- The name and address of each insurer and of the insured;
  - The type of policy and policy numbers;
  - The per occurrence policy limits of each policy; and
  - The effective dates for each policy.

**Response No. 29:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 29 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for insurance information unrelated to the Site and to the extent it asks for such information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. See BorgWarner's response to Request 26.

30. Identify all insurance brokers or agents who placed insurance for the BorgWarner at any time during the period being investigated as identified in Question 26, and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with BorgWarner's pollution and/or liability insurance program and the current whereabouts of each individual.

**Response No. 30:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 30 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for information that has no connection with the Site and to the extent it asks for such information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information Responsive to Request 30 to the extent the broker or agent placed insurance for a policy identified in response to Request 26.

Marsh & McLennan Companies, Chicago, IL

31. Identify all previous settlements by your company (or your company's predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Questions 26-29 above, including:
- The date of the settlement;
  - The scope of release provided under such settlement;
  - The amount of money paid by the insurer pursuant to such settlement

**d. Provide copies of all such settlement agreements.**

**Response No. 31:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 31 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for settlement information unrelated to the Site and to the extent it asks for such information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. To the extent the Company has entered into any such relevant settlements, the settlements are confidential.

- 32. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the BorgWarner under any insurance policy referenced in Questions 26-29 above. Include any responses from the insurer with respect to any claims.**

**Response No. 32:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 32 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for information regarding claims unrelated to the Site and to the extent it asks for such information when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information in response to Request 32 regarding claims related to potential liability at the Site made under any insurance policy provided in response to Requests 26-29. No such claims have been made at this time.

- 33. Identify any and all insurance, accounts paid or accounting files that identify BorgWarner's insurance policies.**

**Response No. 33:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 33 as overbroad, irrelevant, premature and unduly burdensome to the extent it asks for information that is unrelated to the Site and seeks information about BorgWarner's insurance when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows. See BorgWarner's response to Request 26.

- 34. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to BorgWarner during the period being investigated as identified in Question 26, and the date such named insureds appeared on the policies.**

**Response No. 34:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 34 as irrelevant, premature and unduly burdensome to the extent it seeks information that is unrelated to the Site and seeks information about BorgWarner's insurance when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup. Notwithstanding and without waiving its objections, BorgWarner responds as follows.

Borg/Warner Corporation is listed as the named insured on the policies identified in response to Request 26.

- 35. Identify any person or organization requiring evidence of BorgWarner's casualty, liability and/or pollution insurance during the period being investigated as identified in Question 26, including the nature of the insurance requirement and the years when the evidence was required.**

**Response No. 35:** BorgWarner reasserts the General Objections, above. BorgWarner specifically objects to Request 35 as vague, irrelevant, premature and unduly burdensome to the extent it seeks information unrelated to the Site and seeks information about BorgWarner's insurance when BorgWarner has not been asked to pay for or perform a cleanup, nor has the Company asserted that it is unable to pay for or perform a cleanup.

- 36. Identify your company's policy with respect to document retention.**

**Response No. 36:** BorgWarner reasserts the General Objections, above. Notwithstanding and without waiving its objections, BorgWarner responds as follows. BorgWarner is providing information regarding its current document retention policy for the types of documents that may contain information relevant to the scope and purpose of this Request.

Material Safety Data Sheets: Documents are retained for 30 years after the substance is no longer used, produced, or stored

Disposal Records: Documents are retained permanently

Remediation Records: Documents are retained permanently

Permits and Monitoring Reports: Documents are retained indefinitely and are reviewed every 5 years.





PS|Ship - FedEx Label

Page 1 of 1

Insert  
airbill  
here  
▼

Extra

From: (312) 258-5500  
Bina Joshi  
Schiff Hardin LLP  
233 S. Wacker Dr., Suite 6600

Origin ID: CHIA



J12101112190225

Chicago, IL 60606

SHIP TO: (312) 258-5605  
Deena Sheppard  
US Environmnt'l Protection Agency  
77 W Jackson Blvd

BILL SENDER

Chicago, IL 60604

Ship Date: 24FEB12  
ActWgt: 0.5 LB  
CAD: 103136168/WSX12500

Delivery Address Bar Code



Ref # 20521.20521-0036.2882  
Invoice #  
PO #  
Dept #

RELEASE#: 3785346

MON - 27 FEB A1  
PRIORITY OVERNIGHT

TRK# 7932 6685 8194  
0201

79 CHIA

60604  
IL-US  
ORD

